

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Courts  
Southern District of Texas  
FILED  
APR 13 2017  
David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

NELSON ARCE,  
MICHAEL ARCE,  
JESSE ZELAYA,  
MANUEL CRUZ,  
SAMUEL ECHAVARRIA, and  
JONATAN BARRAZA

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Criminal No.

UNDER SEAL

17 CR 0225

**INDICTMENT**

THE GRAND JURY CHARGES:

**COUNT ONE**

**(Conspiracy – 18 U.S.C. § 371)**

1. Beginning in or about January 2014, the exact time being unknown, and continuing to on or about December 2016, in the Houston Division of the Southern District of Texas and elsewhere, the defendants,

NELSON ARCE,  
MICHAEL ARCE,  
JESSE ZELAYA,  
MANUEL CRUZ,  
SAMUEL ECHAVARRIA and  
JONATAN BARRAZA

did knowingly, intentionally, and willfully combine, conspire, confederate and

agree with persons known and unknown to the grand jury to export vehicles knowing that the vehicles were stolen.

In violation of Title 18, United States Code Section 553(a)(1).

**Purpose of the Conspiracy**

2. It was the purpose of the conspiracy that the defendants and others known and unknown to the Grand Jury, stole vehicles in the State of Texas and drove the stolen vehicles across the border to Mexico.

**Manner and Means**

It was a part of the conspiracy that:

3. Defendant, NELSON ARCE, directed MICHAEL ARCE, JESSE ZELAYA, MANUEL CRUZ, SAMUEL ECHAVARRIA, JONATAN BARRAZA and others to find and target Dodge or Jeep vehicles manufactured between the years 2007 and 2014.

4. Defendant, NELSON ARCE, obtained license plate numbers and vehicle identification numbers from MICHAEL ARCE, JESSE ZELAYA, MANUEL CRUZ, SAMUEL ECHAVARRIA, JONATAN BARRAZA and others, who targeted Dodge or Jeep vehicles manufactured between years 2007 and 2014.

5. Defendant, NELSON ARCE, obtained door keys from a conspirator for the vehicles identified by license plate numbers and vehicle identification numbers

supplied by MICHAEL ARCE, JESSE ZELAYA, MANUEL CRUZ, SAMUEL ECHAVARRIA, JONATAN BARRAZA and others.

6. Defendants, MICHAEL ARCE, JESSE ZELAYA, MANUEL CRUZ, SAMUEL ECHAVARRIA, JONATAN BARRAZA and others, used the door keys to obtain unauthorized access to targeted Dodge or Jeep vehicles manufactured between years 2007 and 2014.

7. Defendants, MICHAEL ARCE, JESSE ZELAYA, MANUEL CRUZ, SAMUEL ECHAVARRIA, JONATAN BARRAZA and others, used a computer linked to the Dodge or Jeep vehicles manufactured between years 2007 and 2014 to start the vehicles and steal the vehicles from the lawful owners.

8. Defendants, MICHAEL ARCE, JESSE ZELAYA, MANUEL CRUZ, SAMUEL ECHAVARRIA, JONATAN BARRAZA and others, drove the stolen vehicles from Texas to Mexico.

9. Defendants, MICHAEL ARCE, JESSE ZELAYA, MANUEL CRUZ, SAMUEL ECHAVARRIA, JONATAN BARRAZA and others, were paid by NELSON ARCE after the vehicles were delivered to Mexico.

**Overt Acts**

In furtherance of the conspiracy the defendant committed the following overt acts:

1. In or around February 2014, NELSON ARCE recruited a coconspirator to modify stolen car titles.
2. In or around October 2014, NELSON ARCE provided computers and modified keys to MICHAEL ARCE to steal vehicles in the Houston area.
3. In or around October 2014, coconspirators delivered stolen vehicles to NELSON ARCE in Mexico at an OXXO convenience store.
4. In or around January 2015, coconspirators delivered stolen vehicles to NELSON ARCE in Mexico at a car wash located behind the PEMEX/OXXO convenience store on the corner of Solideridad and Avenida Del Nino in Matamoros, Mexico.
5. On or about June 10, 2015, a codefendant contacted NELSON ARCE by text message about moving stolen vehicles.
6. On or about June 17, 2015, MICHAEL ARCE sent a list of four (4) vehicle identification numbers and associated stolen vehicle descriptions to a codefendant followed by a text message stating "my brother is gonna email you the info".
7. On or about June 22, 2015, a coconspirator drove stolen vehicles, described in the text message on June 17, 2015, to Mexico for delivery to NELSON ARCE.
8. On or about August 3, 2015, a coconspirator drove stolen vehicles, described in the text message on June 17, 2015, to Mexico for delivery to NELSON ARCE.

9. On or about September 11, 2015, MICHAEL ARCE contacted JESSE ZELAYA on Facebook messenger and said "Lets go make some money one way or the other. U down".
10. On or about September 11, 2015, MICHAEL ARCE contacted JESSE ZELAYA on Facebook messenger and said "theres a nigfa at this bar he leaves all his shit insaid his truck money and yayo" and further stated "Lets Go. Fet this money" to which JESSE ZELAYA responded "Lets go".
11. On or about October 25, 2015, NELSON ARCE told JESSE ZELAYA via Facebook messenger that he would be sending the payment tomorrow with "John".
12. On or about October 26, 2015, NELSON ARCE texted JESSE ZELAYA that a coconspirator had JESSE ZELAYA's money and told JESSE ZELAYA to call the conspirator.
13. From on or about July 2015 to April 2016, MICHAEL ARCE and JESSE ZELAYA stole over forty (40) vehicles in the Houston area and delivered the stolen vehicles to coconspirators for transport to Mexico.
14. From on or about July 17, 2015 to April 11, 2016, coconspirators drove over forty (40) vehicles to Mexico for delivery to NELSON ARCE.
15. On or about March 2, 2016, MICHAEL ARCE texted a coconspirator "Did u ditch the truck" and the response is "yea" followed by "in Raymondville waiting on bus". MICHAEL ARCE then texts "Ok . my brother was mad. Right" and the coconspirator responds "kinda but I told him nothing we can do about it.
16. On or about May 26, 2016, MICHAEL ARCE and JESSE ZELAYA stole a 2008 Jeep bearing Texas license plate GFF9935 from 6041 Winsome Lane in Houston, Texas.
17. On or about May 27, 2016, MANUEL CRUZ drove a stolen 2008 Jeep bearing Texas license plate GFF9935 vehicle to Mexico for delivery to

NELSON ARCE.

18. On or about May 28, 2016, MICHAEL ARCE and JESSE ZELAYA stole a 2012 Jeep Grand Cherokee bearing Texas license plate BYR1092 from 1413 Michigan Street in Houston, Texas.
19. On or about June 2, 2016, Samuel ECHAVARRIA drove a stolen 2012 Jeep Grand Cherokee bearing Texas license plate BYR1092 to Mexico for delivery to NELSON ARCE.
20. On or about June 4, 2016, Samuel ECHAVARRIA drove a stolen white Jeep Wrangler bearing license plate BLR8691 to Mexico for delivery to NELSON ARCE.
21. On or about June 14, 2016, MICHAL ARCE sent a text to JESSE ZELAYA that they would be getting paid because Sammy and Cucho are coming.
22. On or about June 15, 2016, SAMUEL ECHAVARRIA drove a stolen 2011 Jeep Grand Cherokee bearing Texas license plate RTRTX to Mexico for delivery to NELSON ARCE.
23. On or about June 20, 2016, MICHAEL ARCE and JESSE ZELAYA stole a 2006 Dodge Durango bearing Texas license plate HBK1773 from 1520 Bailey Street in Houston Texas.
24. On or about June 21, 2016, MANUEL CRUZ drove a 2006 Dodge Durango bearing Texas license plate HBK1773 to Mexico for delivery to NELSON ARCE.
25. On or about June 22, 2016, JESSE ZELAYA sent a text to MICHAEL ARCE with a web link to a Houston news website that contains a crime stoppers video containing surveillance footage of two separate theft events.
26. On or about June 22, 2016, MICHAEL ARCE indicates that he and a conspirator are on the crime stoppers video.

27. On or about June 22, 2016, MICHAEL ARCE and JESSE ZELAYA exchange text messages regarding concerns with law enforcement surveillance.
28. On or about June 23, 2016, SAMMUEL ECHAVARRIA drove a 2006 Dodge Rams bearing Texas license plates BKH1890 to Mexico for delivery to NELSON ARCE.
29. On or about June 23, 2016, SAMMUEL ECHAVARRIA drove a stolen Dodge Ram bearing Texas license plate GBZ2915 to Mexico for delivery to NELSON ARCE.
30. On or about June 28, 2016, SAMUEL ECHAVARRIA drove a stolen 2013 Jeep Wrangler bearing Texas license plate BLV3995 to Mexico for delivery to NELSON ARCE.
31. On or about June 28, 2016, SAMUEL ECHAVARRIA drove a stolen a 2009 Dodge Ram bearing Texas license plate 7JNHG to Mexico for delivery to NELSON ARCE.
32. On or about July 7, 2016, MICHAEL ARCE sent a text to JESSE ZELAYA informing him that SAMEUL ECHAVARRIA was there and asking if he wanted to work. JESSE ZELAYA stated “yes”.
33. On or about July 7, 2016, MICHAEL ARCE and JESSE ZELAYA stole a 2008 Jeep Grand Cherokee bearing Texas license plate GSC3384 from 1298 Rochow Street in Houston, Texas.
34. On or about July 8, 2016, SAMUEL ECHAVARRIA drove a stolen 2008 Jeep Grand Cherokee bearing Texas license plate GSC3384 to Mexico for delivery to NELSON ARCE.
35. On or about July 15, 2016, Jonatan BARRAZA drove a stolen white Dodge Ram to Mexico for delivery to NELSON ARCE.
36. On or about July 15, 2016, Jonatan BARRAZA received \$300 from NELSON ARCE for driving the stolen white Dodge Ram to Mexico.

37. On or about July 27, 2016, MICHAEL ARCE sent a text message to JESSE ZELAYA informing him that one of the coconspirators had been arrested at the border to Mexico.
38. On or about July 28, 2016, JONATAN BARRAZA drove a stolen 2010 Dodge Journey bearing Texas license plate BL5M892 to Mexico for delivery to NELSON ARCE.
39. On or about July 28, 2016, SAMUEL ECHAVARRIA drove a stolen 2013 Jeep Grand Cherokee bearing Texas license plate DTW7033 to Mexico for delivery to NELSON ARCE.
40. On or about July 30, 2016, MICHAEL ARCE and JESSE ZELAYA scouted a black four door Volkswagen Jetta to steal.
41. On or about July 30, 2016, MICHAEL ARCE and JESSE ZELAYA scouted a white Jeep Grand Cherokee to steal.
42. On or about July 30, 2016, MICHAEL ARCE and JESSE ZELAYA stole a white Jeep Grand Cherokee to steal.
43. On or about July 30, 2016, SAMEUL ECHAVARRIA and JONATAN BARRAZA agreed to drive the vehicles stolen by MICHAEL ARCE and JESSE ZELAYA to Mexico.
44. From about January 2014 to about August 2016, MICHAEL ARCE and JESSE ZELAYA stole over one hundred vehicles from the Houston area.
45. From about January 2014 to about August 2016, SAMUEL ECHAVARIA, JONATAN BARRAZA, and MICHAEL CRUZ drove over one hundred stolen vehicles to Mexico for delivery to NELSON ARCE.

All in violation of Title 18, United States Code, Section 371.



**COUNT TWO**  
**(Exportation of Stolen Motor Vehicles – 18 U.S.C. § 553)**

On or about April 24, 2016, in the Southern District of Texas and within the jurisdiction of the Court, Defendants,

**NELSON ARCE,**  
**MICHAEL ARCE,**  
**SAMUEL ESCHAVARRIA and**  
**MANUEL CRUZ**

did aid, abet, induce, or procure the commission, of the export of a motor vehicle, to wit, a 2010 Jeep Grand Cherokee having VIN 1J4PS4GK9AC155356, knowing the same to have been stolen.

In violation of Title 18, United States Code, Section 553(a)(1) and 2.

**COUNT THREE**  
**(Exportation of Stolen Motor Vehicles – 18 U.S.C. § 553)**

On or about July 28 2016, in the Southern District of Texas and within the jurisdiction of the Court, Defendants,

**NELSON ARCE,**  
**MICHAEL ARCE,**  
**JESSE ZELAYA, and**  
**JONATAN BARRAZA**

did aid, abet, induce, or procure the commission, of the export of a motor vehicle, to wit, a 2010 Dodge Journey having VIN 3D4PG4FB9AT133423 knowing the same to have been stolen.

In violation of Title 18, United States Code, Section 553(a)(1) and 2.

**COUNT FOUR**  
**(Felon in Possession of a Firearm – 18 U.S.C. § (922 and 924)**

On or about July 30, 2016, within the jurisdiction of the Houston Division of the Southern District of Texas,

**MICHAEL ARCE,**

defendant herein, having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit: Theft, a felony, in Cause Number 2012-DCR-777-A, in the 107<sup>th</sup> Judicial District Court, Cameron County, Texas on January 28, 2013, did knowingly and unlawfully possess, in and affecting commerce, a firearm, to wit: a Sturm, Ruger & Co., 9mm pistol bearing serial number 328-43662, in violation of Title 18, United States Code § 922(g)(1) and 924(a)(2).

In violation of Title 18, United States Code, Sections 922(g)(5)(A) and 924(a)(2).

**Notice of Criminal Forfeiture**

Pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), the United States gives notice to the defendant, **MICHAEL ARCE**, that, upon conviction of the offense alleged in Count Four, the United States will seek to forfeit all firearms and ammunition involved in or used in the commission of the offense, including, but not limited to: Sturm, Ruger & Co., 9mm pistol bearing serial number 328-43662.

A TRUE BILL:

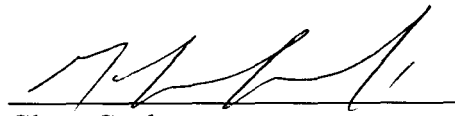
ORIGINAL SIGNATURE ON FILE

By

\_\_\_\_\_  
Foreperson of the Grand Jury

ABE MARTINEZ  
ACTING UNITED STATES ATTORNEY

By:

  
\_\_\_\_\_  
Glenn Cook  
Assistant United States Attorney